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LOS ANGELES TIMES

Los Angeles County Sheriff Jim McDonnell holds a press conference at Sherman Block Sheriff's Headquarters Building on January 14 in Monterey Park.

BY THE TIMES EDITORIAL BOARD

July 5, 2015, 5:00 a.m.

Los Angeles County [has a commission](#), created more than a half century ago, that is tasked with monitoring jail conditions and holding government accountable for improper treatment of inmates. As reports circulated in recent years of inmate beatings and abuse at the hands of sheriff's deputies, the Sybil Brand Commission for Institutional Inspections failed to find or act on the pattern of brutality that has resulted in the county paying millions of dollars in verdicts and settlements, the [resignation last year of Sheriff Lee Baca](#), the [indictment this year of former Undersheriff Paul Tanaka](#)

(among others), the [convictions of several deputies](#) for obstruction of justice, and the [ongoing criminal investigations](#) into inmate mistreatment. It instead reported accomplishments such as commending the sheriff for his cooperation during jail inspections.

Following reports of numerous improper uses of force by deputies more than two decades ago, the Board of Supervisors hired special counsel Merrick Bobb, who regularly reported on problems in the jails and elsewhere in the department; but the board, distracted by other emergencies and concerns, took little action on Bobb's recommendations. The board abolished his office just over a year ago.

In 2001, in response to concern that abusive deputies were not facing meaningful discipline, the county created an Office of Independent Review to provide civilian oversight of the discipline process. But in order to get access to confidential sheriff files, the office agreed that such documents would be privileged, and in so doing it became in essence the department's attorney, and wound up providing in-house advice rather than actual oversight. That office, too, was abolished last year.

Those efforts illustrate the two primary avenues of failure in oversight of the sheriff's department. The supposedly independent overseer either is absorbed into the sheriff's world, as with the Office of Independent Review, or becomes an agent of the Board of Supervisors, ineffectual like the Sybil Brand Commission or else too easily ignored, given the board's many duties and political pressures, like the Office of Special Counsel.

There is an urgent need for a new model that does not replicate those that so utterly failed during the jail abuse scandal. The oversight body must have sufficient independence from both the board and the sheriff, sufficient access to department documents to perform its task, sufficient standing to apply political pressure in cases when the sheriff refuses to cooperate, and sufficient professionalism and restraint to avoid becoming a runaway tribunal.

To design such a model, the Board of Supervisors appointed a panel to consider various possibilities and make recommendations. The [Working Group on Civilian Oversight](#) completed its report late last month. It falls woefully short.

The report's first flaw is one inherited from the supervisors. The board last year rejected the good recommendation by the Citizens' Commission on Jail Violence that it create a truly independent inspector general — one appointed for a term of years who could not be ousted by the supervisors absent a showing of good cause.

There is indeed an inspector general, and the working group recommends that he lead the new oversight commission's staff and report to both the board and the commission. But there is no independence, because there is no term of years and no guarantee against removal without cause. That makes it nearly impossible for the inspector general to

prepare and publicly release reports that are critical of the sheriff, the department or the board.

Los Angeles Times



As for how the commission members should be appointed, the working group made so many recommendations that together they constitute no recommendation at all, except for an unfortunate characteristic that they have in common: A majority of the members would be subject to removal by the supervisors who appointed them. That renders the commission a proxy for the board, acting on behalf of the supervisors yet shielding them from accountability for their decisions.

That failure undermines the recommendation that the commission have power to subpoena documents and testimony, because the board — a political body with substantially the same donor and voter base as the sheriff — would have virtual veto power over any such action.

It will take a monumental degree of wisdom and self-restraint for the Board of Supervisors to establish a commission over which it has less ability to pull the strings than the one recommended by the working group. But it could happen. It would be a shame to waste this rare opportunity to create a truly independent form of oversight for the Los Angeles County sheriff.

By the way, the working group recommends reevaluating the Sybil Brand Commission, and that's not a bad idea — so long as a new oversight commission doesn't merely become another version of the same thing.

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